

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Petition for Rulemaking to Implement)	CG Docket No. 02-386
Mandatory Minimum Customer Account)	DA 02-3550
Record Exchange Obligations on All Local)	
and Interexchange Carriers		

COMMENTS OF CREATIVE SUPPORT SOLUTIONS

Creative Support Solutions (CSS) hereby files these comments in response to the December 20, 2002, Public Notice, DA-02-3550, related to the request of the Federal Communications Commission (FCC) seeking comments on the Joint Petition for Rulemaking to implement mandatory minimum customer account record exchange (CARE) obligations on all local and interexchange carriers.

CSS is a consulting firm specializing in billing, provisioning, and back-office support to all telecommunications service providers, including incumbent local exchange carriers (ILECs), competitive local exchange carriers (CLECs), resellers, and long-distance companies. Many of the companies that CSS assists are small and/or rural ILECs. CSS is an active member of the Alliance for Telecommunications Industry Solutions (ATIS), and assists its clients in Carrier Access Record Exchange (CARE) processing, including carrier notification and the PIC implementation and change process. In that the Public Notice is seeking comments on issues affecting our clients in matters relating to the provision of CARE, CSS is an interested party in this proceeding.

INTRODUCTION

As a direct result of the breakup of the Bell System in 1984, the Regional Bell Operating Companies and local exchange carriers (LECs) entered into the equal access environment¹. The interLATA equal access and subsequent intraLATA dialing parity environments provided end user customers with the opportunity to choose their preferred 1+ long distance provider(s), creating the need for an exchange of customer billing name and address information (BNA) between LECs and the interexchange carriers (IXCs). Throughout the balloting process associated with equal access conversions, and into the post-conversion environment, LECs and IXCs exchanged information regarding PIC order activity regarding order confirmation, order rejection, order conflict and customer information changes.

DISCUSSION

On June 9, 1993, the Federal Communications Commission (FCC) released CC Docket No. 91-115, (“BNA Order”) in which it found that providing BNA is a communications common carrier service that must be provided under tariff. On December 7, 1993, the FCC released the Second Order on Reconsideration in Docket 91-115, which, in part, authorized BNA to be used for, “Verification of service orders of new customers, identification of customers who have moved to a new address, fraud prevention, and similar nonmarketing purposes.” Additionally, the uses included, “Any purpose associated with the equal access requirement of *United States v. AT&T*, 552 F Supp.131 (D.D.C. 1982).”

¹ *United States v. AT&T CO.*, 552 F. Supp. 131 (D.D.C. 1982), *aff’d sub nom.*, *Maryland v. United States*, 460 U.S. 1001 (1983).

Carriers have a duty to support the provisions of their tariffs. This is true of National Exchange Carrier Association, Inc. (NECA) members, who are required to support the NECA pooling process, as well as those carriers that file their own company-specific tariffs. As a service provided under tariff, BNA must be ordered. Carriers not only have a right, but an obligation to assess the tariffed rates associated with its provision. Furthermore, if an IXC wishes to order BNA/CARE regarding their presubscribed end user customers, LECs are obligated to provide it. Subsequent to the release of CC Docket No. 91-115, however, some IXCs determined that they were not willing to pay for the provision of BNA, which led to the refusal of many LECs to provide it. As a result, the information exchange between LECs and IXCs began to deteriorate, affecting both customers and carriers. In discussions with both its LEC and CLEC clients, CSS has determined that, from their perspective, the issue is not the provision of CARE, but rather the failure or unwillingness of carriers to compensate for its provision.

The issues facing small and rural common carriers, as well as many CLEC operations, are dramatically different than those facing the Bell and Tier 1 companies. Most significantly, these companies do not have the economies of scale afforded the larger carriers. For the most part, their staff is small in number, and much of the staff performs varied functions within their respective organizations. In many instances, the processing of incoming PIC (preferred interexchange carrier) change orders is a fulltime task, which means that one individual is devoted almost exclusively to the processing and handling of incoming PIC change orders. When the provision of BNA/CARE is added to

these functions, the amount of time spent in CARE-related activities becomes even greater. Ultimately, it becomes a significant manpower and, therefore, cost issue in offices that very often have only two or three employees handling all customer service functions. While the impact may not be as hard hitting in larger offices, it is felt as well.

CSS believes that an effective exchange of customer account record information would help resolve some of the billing problems that are plaguing carriers and customers, alike, but it should also be acknowledged that other issues are contributing to the problems. The industry must acknowledge the fact that improper handling of CARE by IXC's is also an issue that continues to exacerbate the problem. Client companies that do generate CARE continue to complain about the fact that some IXC's regularly fail to expeditiously and accurately implement CARE transactions, even when those transactions relate to customers who are attempting to presubscribe to the carriers. In this regard, it seems only realistic that any timeliness and accuracy benchmarks that may be imposed on LECs and CLECs should also be place on the IXC's.

Finally, a last consideration that seems to have been overlooked in the discussions regarding the exchange of CARE is the obligations that end user customers have in managing their telecommunications services. In orders dating back to 1998², the FCC has made it clear that customers must take more responsibility for oversight of their telecommunications services. End user customers have always had the option of contacting prospective long distance carriers directly in order to establish service. In fact, the number of situations in which IXC's have either taken back billing from the local

² CC Docket No. 94-129, December 23, 1998, *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996*; CC Docket No. 98-170, *Truth-in-Billing and Billing Format*

exchange carriers or in which LECs have opted to discontinue billing arrangements with IXC's continues to grow, requiring, with increasing frequency, that end users contact IXC's directly in order to sign up for calling plans. In these situations, the issues relating to CARE appear to be significantly mitigated since the IXC's have the opportunity to obtain BNA directly from the customer.

CONCLUSION

The establishment of minimum, mandatory CARE requirements will benefit carriers and customers, alike. In determining standards, however, CSS wishes to emphasize the importance of taking into consideration the operational issues unique to the small and/or rural LECs and CLEC operations. Realistic turn-around timeframes and the issue of fair compensation for the provision of CARE are significant concerns. Timeliness and quality control mandates imposed on LECs and CLECs should apply equally to IXC's, so that both parties can benefit from a meaningful and manageable process to effect the exchange of CARE. Ultimately, such a program will help resolve existing information exchange issues, and enhance customer satisfaction.

Respectfully submitted,

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